

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re PARMALAT SECURITIES  
LITIGATION

MASTER DOCKET  
04 MD 1653 (LAK)

This document relates to: 07 CV 03790

JOHN HANCOCK LIFE INSURANCE  
COMPANY, JOHN HANCOCK VARIABLE  
LIFE INSURANCE COMPANY, and JOHN  
HANCOCK INSURANCE COMPANY OF  
VERMONT,

Plaintiffs,

vs.

BANK OF AMERICA CORPORATION,  
BANK OF AMERICA, N.A., and BANC OF  
AMERICA SECURITIES LLC

Defendants.

**DECLARATION OF GRANT D.  
GOLDENBERG IN SUPPORT OF  
DEFENDANTS' MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS AND  
TESTIMONY BY 30(b)(6) WITNESS**

ELECTRONICALLY FILED

**DECLARATION OF GRANT D. GOLDENBERG IN SUPPORT OF DEFENDANTS'  
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Pursuant to 28 U.S.C. §1746, GRANT D. GOLDENBERG declares:

1. I am an attorney admitted *pro hac vice* to practice before this Court and an associate of the law firm Helms Mulliss & Wicker, PLLC, counsel for Defendants Bank of America Corporation, Bank of America N.A. and Banc of America Securities LLC (collectively “Bank of America”). I submit this declaration in support of Bank of America’s Motion to Compel Production of Documents and Testimony by 30(b)(6) Witness.

2. Attached as Exhibit A is a true and correct copy of the representation and warranty letter from Barclays dated October 11, 2002.

3. Attached as Exhibit B is a true and correct copy of subpoena *duces tecum* (“subpoena”) served on Barclays Capital, Inc. (“Barclays Capital”) and Barclays Bank PLC (“Barclays Bank”) on July 3, 2007.

4. Attached as Exhibit C is a true and correct copy of Securities and Exchange Commission, Form F-N Appointment of Agent for Barclays Bank.

5. Attached as Exhibit D is a true and correct copy of Defendants’ Amended Affidavits of Service via Certified Mail.

6. Attached as Exhibit E is a true and correct copy Barclays Capital’s responses and objections to Bank of America’s subpoena served on July 3, 2007.

7. Attached as Exhibit F is a true and correct copy of Mr. Jacobs’ letter of September 11, 2007.

8. Attached as Exhibit G is a true and correct copy of Mr. Goldenberg’s email to Mr. Jacobs dated September 12, 2007.

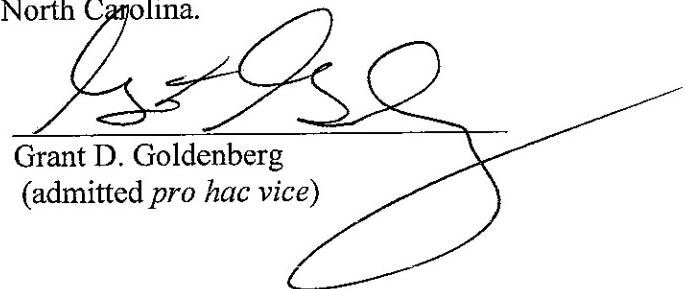
9. Attached as Exhibit H is a true and correct copy of Mr. Goldenberg’s email to Mr. Jacobs dated September 28, 2007.

10. Attached as Exhibit I is a true and correct copy of (1) Bank of America’s letter to Barclays’ outside counsel, Mr. Jacobs of Hughes Hubbard, on September 20, 2007, which enclosed the subpoenas and notices of 30(b)(6) deposition and (2) Bank of America’s letter to Ms. Carolina deOnis of Barclays, on September 25, 2007 and the enclosed subpoenas and notices of 30(b)(6) deposition. Mr. Jacobs, Barclays outside counsel, identified Ms. deOnis as an

authorized agent to accept service of process on behalf of both Barclays Capital and Barclays Bank.

10. Attached as Exhibit J is a true and correct copy of the transcript of the 30(b)(6) deposition held on October 12, 2007, in which Barclays Bank did not produce a witness for testimony.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct. Executed on October 17, 2007 in Charlotte, North Carolina.



Grant D. Goldenberg  
(admitted *pro hac vice*)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing Declaration of Grant D. Goldenberg in Support of Defendants' Motion to Compel Production of Documents and Testimony by 30(b)(6) Witness was electronically served upon all parties registered with the Court's CM/ECF system in this matter and both electronically and via certified mail on non-parties Barclays Bank PLC and Barclays Capital, Inc. at the address listed below:

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This the 17th day of October, 2007.

/s/ John H. Cobb  
John H. Cobb